

**COUNTY OF LOS ANGELES BEACH COMMISSION
MINUTES OF MAY 25, 2011**

COMMISSIONERS PRESENT

Clare Bronowski, Chair
Ronald Chatman
Walt Dougher
Don Doyle
Catherine McCurdy, Vice Chair
Kelly McDowell
Wayne Powell
Don Rohrer
Andrew Stern

ABSENCES

Thomas Barnes
Rosi Dagit
Gary Dimkich
Jeffrey Jennings
Charles Milam
Norma Pratt
Jeffrey Sallee

STAFF PRESENT

Santos Kreimann, Director
Kerry Silverstrom, Chief Deputy Director
Lawrence Hafetz, County Counsel
Mike Frazer, Chief, Lifeguard Division, Los Angeles
County Fire Department
Kenneth Foreman Acting Division Chief, Facilities and
Property Maintenance Division
Catrina Love, Community & Marketing
Services Division
Penelope Rodriguez, Community & Marketing
Services Division
Dona Kordich, Community & Marketing
Services Division
Pamela Miller, Community & Marketing
Services Division

GUEST SPEAKERS

None

MEETING LOCATION

Burton W. Chace Park Community Room

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The new Chair, Commissioner Bronowski, called the meeting to order at 9:40 a.m. and asked the new Vice-Chair, Commissioner McCurdy, to lead the Pledge of Allegiance. Staff and the public stood and recited the Pledge of Allegiance.

2. APPROVAL OF MINUTES

Commissioner Bronowski asked if anyone had any comments about the minutes from the last meeting. No one had any comments and the minutes were approved.

3. **OLD BUSINESS**

A. Beach and Harbor Use Permit Policy Revision

Mr. Kreimann stated that DBH had incorporated a significant amount of input from the public, as well as members of this Commission, and introduced Penelope Rodriguez to highlight the changes. Mrs. Rodriguez said she would talk about the areas that were changed from the last meeting based on the public and the Beach Commissioners comments. Mrs. Rodriguez mentioned that the gross receipts were previously a flat fee of 15% and remains the same. The gross receipts payment was to be paid in advance, but now there is a payment plan: 25% of the estimated gross receipts would be due before the issuance of the use permit, 50% of the estimated gross receipts would be due 5 days after the start of the camp or fitness training activity, and 25% of the actual gross receipts is due no later than 5 business days after the last day of the activity and any additional payment due based on the actual gross receipts will be due 30 days following the permitted camp or fitness activity. Mr. Kreimann clarified that it is the 25% balance of actual gross receipts. Mrs. Rodriguez said the selection criteria percentages have changed a little. Responsiveness remains the same at 5%, Professional Experience was 15% is now 25%, Financial Capability was 10% will be 15%, Safety Standards were 30% and now is 25%. The Operating Plan was reduced from 30% to 15% and the Community Service was raised from 5% to 10%. The Financial Remuneration remains at 5% and the Location Bid remains the same at \$100 minimum per location. There were concerns that operating hours for camps had to be during lifeguard tower operational hours. This will remain the same, except that any operator who employs Ocean Lifeguards or EMTs may be permitted for early hours. But water activities would still only be allowed during the lifeguard tower's operational hours, unless the operator pays for additional lifeguard hours. Employee screening was also added at the operator's expense, so all camp operators will have to perform background checks for all employees that interact with children. The training level asked for is the Red Cross Lifeguard Training with CPR for the Professional Rescuer course remains the same. DBH added desirable qualifications in both the Professional Experience and Safety Standards categories. The new qualifications require the employment of EMTs and professional certified Ocean Lifeguards with CSLSA certification or equivalent. Commissioner Powell asked if an operator has the optional certification, are they given points for being better qualified. Mr. Kreimann said that is correct, they would receive more points.

Chair Bronowski asked if there were any other Commission questions, and if not, it was time for public comments. She also asked the public to only address the changes that were made.

Michele Branconier, California Collaboration for Youth/American Camp Association – Ms. Branconier asked if the selection criteria for the Financial Remuneration percentage that is 15% in 2011 will vary from year to year and is there a specific criteria that camps should expect. She also felt safety was being compromised by bringing down the Safety Standards. Mr. Kreimann said DBH would compare what other people are charging and the rate would be set by the market.

Jack Tingley, Beach Sports, Inc. - Mr. Tingley urged DBH to move the age limit from 18 to 16 for camp instructors. He was also concerned that the fee for 2011 was being raised and though the location list was wrong.

Sina Monjazebe, Sandy Days Kids Camp - Mr. Monjazebe was concerned about a fee rise for this year, camp operating hours and the children not being allowed to go into the water until Lifeguards are present. He is also concerned about only having 25 kids in the water at one time.

Eric Colton, Fitness by the Sea – Mr. Colton commented about an email sent out from Commissioner Milam on 5/1/11 to Mr. Kreimann and the camp owners. He is also concerned about non-profits being treated the same as for-profits as far as gross receipts are concerned and thinks the location bid should have a cap. Mr. Colton also had concerns about the selection criteria.

Chris Brown, Camp Surf, C.B.V.A., Jimmy Miller Memorial Foundation – Mr. Brown also mentioned the email sent out by Commissioner Milam and thought it was agreeable and asked the Commissioners to vote against this current proposal. He also thought that fees being due upfront was not good.

Patrick Murphy, Learn to Surf L.A. – Mr. Murphy said he too agrees with Commissioner Milam's proposal. He also said the location bid should be capped or eliminated. He also thought that fees due upfront was unreasonable.

Kip Jerger, Kanoa Aquatics – Mr. Jerger made inappropriate remarks about the Director of DBH and does not agree with the proposed policy changes.

Chair Bronowski said that was the end of public comments and it was time for the Commissioners and the Director to comment.

Mr. Kreimann commented that this is the third time this item has been before the Commission and a work study was also held. He said that DBH has tried to address the concerns of various operators and have made a lot of concessions. Mr. Kreimann would not address Mr. Jerger comments as they were offensive. He said the Beach was a recreational venue for everybody, not just locals. DBH has the responsibility of maintaining the beaches and this is funded by the generation of revenues. Mr. Kreimann said he didn't think another work group was necessary, as DBH has heard the complaints loud and clear and have taken them in consideration, as well as Commissioner Milam's suggestions and the rest of the Commissioners. Mr. Kreimann thanked DBH staff for their hard work and the operators for all their input and looked forward to feedback from the Commissioners so the policy could be moved forward. Commissioner McCurdy asked for a show of hands from the public of how many of them hire people under 18. Chair Bronowski wanted some clarification on this rule. Mr. Kreimann explained that this was an issue with the Lifeguards and asked Chief Frazer to explain. Chief Frazer said 18-year olds instruct in the water, this is the standard for L.A. County Lifeguards. The compromise is having 16-year olds instruct on the beach; it's an issue of safety. Commissioner McCurdy asked what the cost is for a background check and is this something new to the process. Mr. Kreimann said is about \$35. Commissioner McCurdy asked if birthday parties have been an issue in the past and why this was being added. Mr. Kreimann said that if a permit has been provided for a surf camp and during these testimonies, DBH has heard that the permits are also being used for birthday parties and other additional events. Commissioner McCurdy commented that capping the fees is a reasonable request. Commissioner Stern mentioned that the comments made about Mr. Kreimann were uncalled for and he was offended by them, but appreciated all other comments. He also stated that the beaches belong to everyone and the locals do not own it. Commissioner Dougher commented that the operators received the revised policy two days ago and had not had time to go over the changes. He also asked was there a time limit on when the changes had to be done and is there enough time for another session. Mr. Kreimann answered the time line was to have the new policy in place for the summer of 2012 so the operators can have plenty of time to market their camps after getting their permit. DBH needs time to get the Boards approval and then actually do the bidding process, so it is a very compressed time period.

Mr Kreimann said the preference is to move this forward to the Board and he does not believe another study session would change the recommendations. The comments made today are similar to the ones made before and they have been taken into consideration already. Commissioner Dougher said the comments made were valid and he would not feel comfortable making a recommendation without another study session. Commissioner Chapman concurred with Commissioner Dougher and though the discontent was reasonable. Commissioner Chapman asked if there were any studies that showed that 16-year olds were not as responsible as 18-year olds. Chief Frazer said the L.A. County Lifeguards' statistical safety records is better than any other lifeguard agency's safety record in the world and the standard is 18- years old, where there is a higher degree of maturity. L.A. County has very qualified 16 and 17-year olds that are cadets and they don't go unsupervised. When they are in the lifeguard tower, they are with a Lifeguard 18-years or older and usually they have been in the program for seven or eight years, been through the academy, a background check and even then they are placed with a Lifeguard 18-years old or older. Commissioner Chapman commented about the unreasonableness of the upfront payment of fees. Commissioner Rohrer said the first thing is the safety of the kids and commented that there were other agencies that hired 16-year olds, but they worked with seasoned Lifeguards and are being trained until they are 18. He also commented that the beaches belonging to the locals is an archaic though, people from all over come to the beaches. Commissioner Doyle asked if the 16-year olds can be used in some other capacity and not be fired. Commissioner Powell asked if the packet for the meeting meet the Brown Act of 72 hours. Mr. Kreimann said it was posted Friday morning, so yes. Commissioner Powell said regarding the age, he agreed with Chief Frazer and safety is most important, but did not want anyone to get fired. He also asked what if the 16 and 17-year olds could be grandfathered in because of their experience. Chief Frazer said by default they would be 18 by the time this new policy is in place. Commissioner Powell asked about the payment schedule that was revised and wanted to know if the due dates were based on calendar days or business days. Mr. Kreimann said they were business days. Commissioner Powell asked what harm would be done if the camp operators were given ten days instead of five to pay. Mr. Kreimann said ten days would be fine. Commissioner Powell commented that the public input was appreciated and staff was great with compromises and revisions and thought that another study group would not be productive and believed the policy was workable. He also asked if there will be a review period to see how the policy is working. Mr. Kreimann said yes, DBH is always looking for ways to improve or adjust the process and said DBH could come back to the Commission to report on the bid process after it is done. Commissioner McDowell commented that the passage of time would enable the 16 and 17-year olds to meet the age/safety requirements and agreed that extending from five days to ten the amount of time for the second payment was reasonable. Commissioner McDowell also agreed that another study session was not necessary and said there is a year or so to make changes to the policy at staff, Commission or Board of Supervisor's level, if necessary. Commissioner Bronowski thanked staff and commented nothing would be gained from delaying the new policy any further and pointed out that there was no quorum so the policy should move forward with or without recommendation and asked if the policy would impact this summer and the fees being raised. Mr. Kreimann commented this year those that already have permits would be granted the same permit as last year. The existing operators were notified in November that there would be a fee because a lot of the operators were not paying a fee. The 2011 fee is 10% and is not changing. Chief Frazer said he had been a part of this process since the beginning and it was mandated, very complex and controversial, but DBH staff had done a great job. The permit process has to be open and competitive like everything is in the County. Having workshops and listening to the current camp operators was designed to help the current camp operators. He also added that an open and competitive process does not make these kinds of concessions. Chief Frazer agreed with some of the Commissioners that these meetings were not the

place for the offensive language. He said that Kip Jerger does not represent the views of the L.A. County Lifeguards and was appalled that Mr. Jerger presented himself as a L.A. County Lifeguard. Chief Frazer commented about the 25 person limit in the water and said it would depend on the day. He said some days, 25 people in the water would be too many and the Lifeguards determine the conditions of the water that day. If the camps want to exceed the limit, they should check with the Captain on duty so it could be authorized, depending on the conditions in the water. Chief Frazer said the American Red Cross training level was a huge concession and hoped that operators would get CSLSA certified EMT employees and that would be rewarded through the application process. Chair Bronowski asked for any other comments or motions. Commissioner Powell commented about a minor change from the five days to ten days. Chair Bronowski asked about getting a report back to the Commission after the first bid process and wants to add the Chief's suggestion regarding the 25 person limit in the water or as authorized by the Lifeguard Captain on duty. Commissioner Stern motioned to pass the new policy and Commissioner Powell seconded and noted there was no quorum but as advisement. Commissioner Dougher commented about the lack of a quorum and would not recommend this policy. Chair Bronowski said getting a quorum would be difficult during the summer months so she polled the Commissioners about their recommendation. The vote was 5 to 3 in favor of the policy. Commissioner McDowell did not agree with the vote as there was no quorum. There was a five minute break so that Mr. Kreimann and Mrs. Silverstrom could meet with County Counsel. Chair Bronowski apologized for the delay and explained to the public that this item affects a lot of people and the Commission wants to insure that it is being handled properly. County Counsel advised that the Commission can not take action today because of no quorum and the Director can move this forward to the Board. Mr. Kreimann said DBH would consider all of the suggestions made by the Commissioners, finalize the draft and send it to the Board as quickly as possible.

B. Presentation of Proposed County Code Revisions to Title 2, Administration and Title 17, Parks, Beaches and Other Public Areas

Chair Bronowski asked Mrs. Silverstrom if there were changes made since the last meeting regarding beach tennis. Mrs. Silverstrom stated that there were two changes as a result of the last meeting. The first had to do with the Beach Commission's composition, and reducing the number of members from 20 to 10 and grandfathering in anybody that wanted to continue as a Commissioner. She said that Commissioner McDowell mentioned the South Bay Cities Council of Governments (the South Bay COG) had another way of dealing with the lack of a quorum. After missing three consecutive meetings, the Commissioner will be placed on an inactive list. A quorum then becomes a majority, plus one active member. There is no change to the number of Commissioners, however, the term will change from two years to four years. Commissioner Powell asked if DBH received the Sunset Review for the Beach Commission. Mrs. Silverstrom said it was received last week, but it was not yet scheduled to go before the Board however it did recommend the continuation of the Beach Commission. The other change was to ball playing restrictions, because of comments from the Commissioner's and the public, DBH is loosening restrictions. Right now the restriction is any ball or other flying objects under ten inches and is not made of rubber is not allowed on the beach. The change is beach balls, water polo balls and beach volleyballs will be allowed on the beach, and any other ball, will be allowed in areas designated by the Director or pursuant to a permit. Staff is currently looking for areas for permanent beach tennis courts and other areas for people to place their own nets temporarily. Chair Bronowski mentioned that there were three speakers for beach tennis.

Marty Salokas, Don & Ginger Young, West Coast Beach Tennis - Mr. Young said he was excited

about being able to play in designated areas and thinks beach tennis is safer than beach volleyball. Mr. Young also wanted people to be able to play on the volleyball court when it's not in use. Mrs. Silverstrom said DBH would not convert any existing volleyball courts into tennis courts unless a request comes from a local city. Mrs. Silverstrom stated she is working with County Counsel on the Beach Ordinance and Harbor Ordinance revisions and will take them to the Board together for their consideration within the next month or two.

Commissioner Dougher stated that it is embarrassing to not have quorum and thinks the inactive status is a good idea and asked about having a Commissioner removed for not attending the meetings. Mrs. Silverstrom said DBH did not have the authority to remove a Commissioner. Commissioner Dougher asked if and when DBH has notified the Supervisors of poor attendance. Mrs. Silverstrom said there is no written rule on when to do it. But when it is noticed, that there is no participation on the part of the member on any DBH commission, DBH goes to the Supervisor. DBH has not yet been successful. Chair Bronowski mentioned that the Commissioners used to get an attendance report and everybody thought it was embarrassing, so it was stopped. She would like to start it again and also absences should not be excused or unexcused, just absent. Chair Bronowski also asked that a reminder be sent to the Commissioners of the scheduled meetings for the rest of the year. Commissioner McDowell thanked Mrs. Silverstrom and staff for considering the South Bay COG's rule as it is very affective. It does not matter if the absence is excused or not, the absences get in the way of doing business. Mrs. Silverstrom asked the Chair if she would like to receive an attendance sheet starting with the next mail out along with a cover memo. Chair Bronowski stated she would like more meetings and asked that the cover memo include the reason why the report is being included. The new policy will state that Commissioners will be on inactive status for missing three consecutive meetings. Mrs. Silverstrom said the Beach Commission Rules should be presented to the Commission for consideration and discussion and to actively put in the new quorum requirement and look at other rules that might need changing.

4. **NEW BUSINESS**

None

5. **STAFF REPORTS**

A. Lifeguard Report

Chief Frazer said the Fire Department is gearing up for summer and have started retraining and recertifying Lifeguards and they have had almost all of the Junior Lifeguards tryouts. There will be about 3100 kids this year.

B. Beach and Marina del Rey Special Events.

Chair Bronowski asked that all written reports be received and filed.

C. Facilities & Property Maintenance Division Report Regarding Beach Maintenance

Mrs. Silverstrom introduced Mr. Ken Foreman; Acting Chief of the Facilities & Property Maintenance Division, who is replacing Mr. Schumaker who is retiring. Mr. Foreman told the Commissioners DBH

was also getting prepared for summer and Memorial Day weekend is the unofficial start of the summer season. DBH started a new schedule for maintenance staff on May 1st. The ground maintenance staff is working 7- 4p.m. The equipment operators start at 5 a.m., in order to get the beaches contoured and cleaned before the general public starts to arrive by mid-morning. Mr. Foreman said in the Point Dume area, DBH is replacing septic tanks in three restrooms, but at least one should be open by the end of the week. There had been some delays with the project that could not be helped. DBH is replacing failing septic systems. The one at Surfrider was completed in April and had been a big problem. It had reached capacity and for the last few summers had to be emptied manually a couple of times a week which was very expensive. This will be the first summer DBH won't be dealing with that and will considerably save costs. Mrs. Silverstrom stated the maintenance workers schedule changing is in response to hiring constraints in place now to meet a salary savings target. There are 17 beach maintenance positions vacant that otherwise would be on the beach. Similarly, DBH has not increased the number of staff that is on the beaches even though the beach population has increased. From 2008 to 2010 the population went up 10 million visitors. This year will be a little lower because of the bad weather. One of the Board offices has asked DBH to submit information about what shifts DBH would put into affect if given the money to fill the 17 positions. DBH provided a chart that shows DBH will increase a full shift at night and clean the heaviest used bathrooms at night and lock them down so they are ready for early morning use.

Commissioner Powell asked about the DBH Strategic Plan presentation. Mrs. Silverstrom said it would be presented at the next meeting.

ADJOURNMENT

Chair Bronowski adjourned the meeting at 11:50 a.m.

NEXT MEETING DATE AND LOCATION

The next meeting is scheduled for June 22, 2011 at 9:30 a.m. at Burton Chace Park.

Respectfully Submitted,

Cheryl McGee
Commission Secretary